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10/539,825	05/05/2006	Michael Rosenbauer	2002P01292WOUS	1148

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

GRAMLING, SEAN P

ART UNIT	PAPER NUMBER
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2875

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,825	Applicant(s) ROSENBAUER ET AL.	
	Examiner SEAN P. GRAMLING	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25, 26 and 28-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-26 and 28-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

Acknowledgment is made of Amendment filed April 30, 2009. Claim 25 is amended. Claim 50 is new. Claims 25-26 and 28-50 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 25-26, 28-29, 35-36, 38-43 and 45-50** are rejected under 35 U.S.C. 102(b) as being anticipated by Geyer (WO 2002/50804). For purposes of examination, Examiner refers to the English translation of this foreign reference contained in US 2003/0230017.

3. Regarding claim 25, Geyer discloses a household appliance comprising a front door 10 having an upper edge; a front cover 2 disposed in front of the front door; at least one optical status display device 9 mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closes; and at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front door, wherein the light guide is arranged so that the signal light is disposed in the front

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cover so that the light is transmitted in the direction of the front side of the cover (see Figures 1-2 and paragraphs [0015] and [0022]-[0024]). Applicant recites the limitation: "the front door being opened and closed to access an appliance interior space". This limitation relates to an intended use of the device, and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (*Ex parte Masham*, 2 USPQ 2d 1647). Accordingly this limitation is not be given patentable weight.

4. Regarding claim 26, the signal light is guided by the light guide 5 to an area of the household appliance that is visible to a user so that the operating status of the household appliance can be checked even when the front door is closed (see Figures 1-2).

5. Regarding claim 28, the front door 10 has a front surface, the front cover 2 is disposed in front of the front surface of the front door and the optical status display device is mounted at the front surface of the front door (see Figures 1-2).

6. Regarding claim 29, the front cover 2 has a rear surface facing the front surface of the front door 10 and a front surface in opposition to the rear surface, the optical status display device is mounted on the front door, the front cover has at least one through hole 7 extending as far as the front side of the front cover and the one through hole surrounds the light guide (see Figures 1-2 and paragraph [0023]).

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7. Regarding claim 35, the front door 10 has a side edge and a lower edge and the optical status display device 9 is located at a spacing from the upper edge, the side edge and the lower edge of the front door (see Figures 1-2).

8. Regarding claim 36, the front cover 2 has a rear surface facing the front surface of the front door and a front surface in opposition to the rear surface, a first part of the light guide (for example portion 12 of the light guide) is arranged such that the signal light is transmitted from the optical status display device 9 to the side edge of the front door and a second part (for example portion 6 of the light guide) is arranged such that the signal light is transmitted at least as far as the front side of the cover (see Figure 2).

9. Regarding claim 38, the appliance further comprises a housing, the optical status display device being mounted in the housing (see paragraph [0007] and Figures 1-2).

10. Regarding claim 39, the light guide 5 guides the signal light along a light guiding path and the light guiding path is adaptable to extend through the respective thickness of the front cover (see Figure 2).

11. Regarding claim 40, the light guide 5 can be mounted flush to the optical status display device (see paragraph [0024]).

12. Regarding claim 41, the light guide 5 comprises at least one glass fiber (see paragraph [0024]).

13. Regarding claim 42, the light guide 5 comprises at least one plastic fiber (see paragraph [0024]).

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14. Regarding claim 43, the optical status display device 9 is operable to provide a signal lighting indicating at least the operating states of the respective switched-on and switched-off states of the household appliance (see paragraph [0015]).

15. Regarding claim 45, the optical status display device 9 is operable to emit a signal light of a different color indicating a respective different operating state (see paragraph [0024]).

16. Regarding claim 46, the appliance further comprises a plurality of light guides 5 to transmit signal light pertaining to different operating states (see paragraphs [0015] and [0024]).

17. Regarding claim 47, the light guides 5 can be comprised of different colors to display different operating states (see paragraph [0024]).

18. Regarding claim 49, the optical status display device 9 is located at a spacing from the upper edge of the front door such that the optical display device is within a visible region of a field of view of a user standing in front of the household appliance (see Figure 1).

19. Regarding claim 50, Geyer discloses a household appliance comprising a front door 10 having an upper edge; a front cover 2 disposed in front of the front door; at least one optical status display device 9 mounted on the household appliance such that the one optical status display device is a selected one of hidden in a built-in state of the household appliance and hidden when the front door is closed; and at least one light guide for transmitting a signal light emitted by the optical status display device, the optical status display device being located at a spacing from the upper edge of the front

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door, wherein the light guide is arranged so that the signal light is disposed in the front cover so that the light is transmitted in the direction of the front side of the cover; wherein the optical status display device emits a first signal for at least a first appliance status (device 9 emits a continuous signal when other electrical equipment is powered, thus indicating on/off state, see paragraph (0015) and at least a second signal light different from the first signal light for at least a second appliance status (paragraph [0016] specifically teaches that “for special cases of signaling a specific operating state, the light source can be switched on intermittently in a particular advantageous way”) (see Figures 1-2 and paragraphs [0015]-[0016] and [0022]-[0024]). Applicant recites the limitation: “the front door being opened and closed to access an appliance interior space”. This limitation relates to an intended use of the device, and it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (*Ex parte Masham*, 2 USPQ 2d 1647). Accordingly this limitation is not be given patentable weight.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. **Claims 30, 33-34 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Geyer* (WO 02/50804).

22. Regarding claim 30, the through hole 7 in the front cover 2 in *Geyer* can be formed of any shape, but *Geyer* does not specifically teach that the through hole be substantially cylindrical. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form a substantially cylindrical through hole 7 for a desired light pattern, and since it has been held that changing the form or shape of prior art parts does not make the claimed invention patentable over that prior art (*In re Dailey*, 149 USPQ 47).

23. Regarding claim 33, the front door 10 in *Geyer* has a side edge and a lower edge and the optical status display device 9 can be mounted at various positions inside the door, but *Geyer* does not specify that the optical status display device 9 be mounted at either the side edge or the lower edge. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to specify this position to display various signals at different positions on the front of the appliance, and since it has been held that to shift location of prior art parts does not make the claimed invention patentable over that prior art (*In re Japikse*, 86 USPQ 70).

24. Regarding claim 34, the light guide 5 is capable of being displaced.

25. Regarding claim 37, *Geyer* does not specify that the second part of the light guide 5 is displaceable with respect to the first part of the light guide, but specifies that a plurality of light guides can be positioned throughout the appliance (see paragraph [0024]). However, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to specify that the parts of the light guides 5 be displaceable with respect to the other to form various signals at different positions on the appliance, and since it has been held that to make prior art part separable does not make the claimed invention patentable over that prior art (*In re Stevens*, 101 USPQ 284).

26. **Claims 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Geyer* as applied to claim 25 above, and further in view of *Becke et al* (US 2003/0209018).

27. Regarding claims 31-32, *Geyer* does not disclose a handle on the front cover 2 which is a light guide that transmits the signal light to be visible in the handle. However, handles on appliances with light guides to display status information are well-known in the art and specifically taught in *Becke* (see *Becke*, Figures 1-4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a light guide handle on the appliance in *Geyer* as taught by *Becke* in order to provide a means for opening the door of the appliance while conveniently displaying information at different positions on the appliance.

28. **Claims 44 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Geyer* as applied to claim 25 above, and further in view of *Evertzberg* (EP 1151717).

29. Regarding claim 44, *Geyer* discloses that the optical status display device comprise a light source, but does not specify that the light source be a light-emitting diode. However, light-emitting diodes are well-known in the art of appliance indicators,

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and Evertzberg specifically teaches an appliance indicator with a light-emitting diode (see Evertzberg, Figure 2 and paragraph [0006]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify that the light source in Geyer comprise a light-emitting diode as taught by Evertzberg in order to provide a long-lasting and efficient source of radiation.

30. Regarding claim 48, Geyer teaches that the household appliance be a washing machine, not a dishwasher or a refrigerator. However, Evertzberg teaches an optical status display device with a light guide within a dishwasher or refrigerator (see Evertzberg, Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the device of Geyer in a dishwasher or refrigerator as taught by Evertzberg in order to display desired information on a variety of household appliances.

Response to Arguments

31. Applicant's arguments filed April 30, 2009 have been fully considered but they are not persuasive. Regarding independent claim 25, Examiner respectfully disagrees with Applicant's submission that body 10 in Geyer cannot be designated as the front door of the device. Body 10 is towards the front of the appliance (see Figures 1-2), and the word "door" is defined as "any means of approach, admittance, or access" (see www.dictionary.com, entry 4). Accordingly, Examiner submits that body 10 located towards the front of the device and is a means for admittance of the light guide (see Figure 2), thus is a "a front door of the device". Moreover, Examiner submits that the

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new limitation incorporated into independent claim 25 is a mere recitation of an intended use of the device, and that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations (*Ex parte Masham*, 2 USPQ 2d 1647). Accordingly, the rejections of the claims in the previous Office Action are maintained.

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN P. GRAMLING whose telephone number is (571)272-9082. The examiner can normally be reached on MONDAY-FRIDAY 7:30 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sean P Gramling
Examiner
Art Unit 2875

/SPG/

/Sharon E. Payne/
Primary Examiner, Art Unit 2875